IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 14096 of 2007
Date of decision : September 11, 2007

Rakesh Kumar,

.....Petitioner

through Mr.N.K.Malhotra, Advocate

v.

The State of Haryana & others,

.....Respondents

CORAM : HON'BLE MR.JUSTICE UMA NATH SINGH
HON'BLE MR.JUSTICE RAJIVE BHALLA

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1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

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RAJIVE BHALLA,J

Challenge, in this writ petition, is to the notifications, issued under Sections 4 & 6 of the Land Acquisition Act, dated 21.6.2006 and 22.2.2007 respectively, as also the award, pronounced by the Land Acquisition Collector, dated 4.5.2007.

The petitioner's land was proposed to be acquired, pursuant to a notification, issued under Section 4 of the Land Acquisition Act, (for short herein after referred to as "the Act"), for the public purpose, namely, for a Sector dividing road between Sectors 24 and 25, Rohtak, on 21.6.2006. After the petitioner filed objections under Section 5-A of the Act, the government issued a declaration, under Section 6 of the Act, dated 22.2.2007.

Counsel for the petitioner contends that the petitioner's land has been included in the road on account of a change in alignment. It is

contended that in similar writ petitions, namely, CWP Nos.8782 of 2007 and 9389 of 2007, where land has been acquired, pursuant to the same notifications, and for the same road, notice of motion has been issued and dis-possession stayed. It is further contended that certain construction exists on the petitioner's land which, as per the policy of the Government, has to be released.

We have heard learned counsel for the petitioner and perused the paper book, as also the orders, passed in the connected writ petitions.

A perusal of the orders, passed in the aforementioned writ petitions, reveals that the contentions, raised therein, were that the alignment of the road was about 150 yards away from the land proposed to be acquired, whereas in the petitioner's case, the land falls within the alignment of the road. As regards the construction raised by the petitioner, a perusal of photographs, annexed as Annexure P-8, more particularly the second photograph, appearing at page 50 of the paper book, discloses a dilapidated structure. In view of the fact that the petitioner's land falls within the road alignment, we do not deem it appropriate to interfere with the acquisition. It would also be necessary to mention here that the writ petitions, relied upon by counsel for the petitioner, pertain to running of factories, whereas in the petitioner's case, no such plea has been advanced.

No merit. Dismissed in limine.

(RAJIVE BHALLA)
JUDGE

(UMA NATH SINGH)
JUDGE

September 11, 2007
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